

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

DAMIEN DESHONG COUNCIL §
VS. § CIVIL ACTION NO. 1:11-CV-308
UNITED STATES OF AMERICA §

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION**

Petitioner Damien Deshong Council, a federal prisoner previously in Beaumont, Texas, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The Court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends dismissing the petition for failure to exhaust administrative remedies.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and the pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties. Instead of filing objections, petitioner requested an extension of time to exhaust. The motion for an extension of time should be denied, and the petition should be dismissed without prejudice to petitioner's ability to file a habeas petition in the district in which he is currently incarcerated after he exhausts administrative remedies.

O R D E R

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. Petitioner's motion for an extension of time to exhaust administrative remedies is **DENIED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendation.

So **ORDERED** and **SIGNED** this **16** day of **July, 2012**.



Ron Clark, United States District Judge